

Appl. No 10/045,244
Amdt. Dated October 10, 2003
Reply to Office action of July 10, 2003

REMARKS/ARGUMENTS

Claims 1-14 remain in the application. Claims 15-30 have been withdrawn without prejudice or disclaimer.

The examiner has acknowledged that original claims 1-7 are directed to allowable subject matter. The examiner has further acknowledged that claims 12-14 would be allowable if drafted in independent form. Applicant appreciates these acknowledgements. Claim 12 has been rewritten in an independent form. Claims 13-14 depend either directly or indirectly from Claim 12. Applicant has delayed possible additional amendment to Claims 9-11, until the Examiner's reconsideration of Claims 8-11 and Applicant's remarks regarding double patenting rejections.

Claims 8-14 have been rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 8 has been amended to delete any phrase portions lacking antecedent basis. Claims 9-14 are either directly or indirectly dependant upon amended Claim 8. Reconsideration is requested.

Claims 8 and 11 have been rejected under 35 U.S.C. 101 statutory double patenting grounds as claiming the same invention as that of Claim 9 of prior U.S. Patent No. 6,435,608. Claim 11 has been amended to clarify that the air source in Claim 11 is an air conditioning or refrigeration unit supplying cool air. Claim 9 of the 6,435,608 patent claims a source of heated pressurized air. Because the sources in question supply air of contrasting temperature ranges, Applicant respectfully states that the same invention is not claimed. Reconsideration of Claim 11 is requested. Claim 8 will be further amended or cancelled upon an indication of otherwise allowable subject matter in amended Claim 11.

Claims 9 and 10 have been rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claim 9 of U.S. Patent No. 6,435,608 in view of U.S. Patent 6,435,608 to Shoemaker et al. As to these obvious type double patenting rejections, Applicant will promptly submit a terminal disclaimer upon indication of otherwise allowable

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subject matter. The terminal disclaimer will obviate the double patenting rejections noted in the office action.

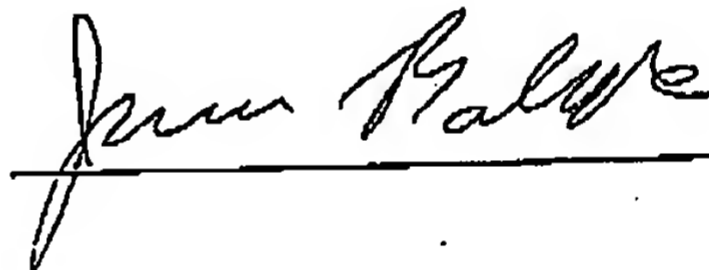
CONCLUSION

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. A fee for a one additional independent claim is due in connection with this amendment. The Examiner is authorized to charge deposit account 03-0172. No additional fees are believed due in connection with this amendment. However, in the event additional fees or extensions are required, the Examiner is authorized to treat this letter as a request for further extensions and to charge deposit account 03-0172.

Respectfully Submitted,

Date: _____

10/10/03



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